

CITY OF ALAMO HEIGHTS
CITY COUNCIL
June 8, 2009

A regular meeting of the City Council of the City of Alamo Heights, Texas was held at the Council Chambers, 6120 Broadway, at 5:30 p.m. on Monday, June 8, 2009.

Present and composing a quorum were:

Mayor Pro-Tempore Bill Kiel
Councilman Stan McCormick
Councilman Bobby Rosenthal
Councilwoman Jill Souter
Councilwoman Susan Harwell

Also attending were:

City Manager Rebecca Waldman
City Attorney Mike Brenan
Assistant City Manager/Public Works Director Shawn P. Eddy
Assistant to City Manager/Information Technology Manager Marian Ramirez
Finance Director Cynthia Barr
Community Development Director Ann McGlone
Human Resource Manager/Deputy City Secretary Judith E. Surratt
City Secretary Jennifer Reyna
Police Chief Rick Pruitt

Absent was:

Mayor Louis Cooper
Fire Chief Bill Hagendorf

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Mayor Pro Tem Bill Kiel opened the meeting at 5:40 p.m.

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Mayor Pro Tem Kiel asked City Council for any corrections to the minutes of the May 18, 2009, Work Session Meeting. A motion was made by Councilwoman Susan Harwell to approve the minutes of May 18, 2009 as amended. The motion was seconded by Councilman Stan McCormick and passed by unanimous vote.

Mayor Pro Tem Kiel asked City Council for any corrections to the minutes of the May 26, 2009, City Council Meeting. A motion was made by Councilman Bobby Rosenthal to approve the minutes of May 26, 2009 as amended. The motion was seconded by Councilwoman Jill Souter and passed by unanimous vote.

- a. Update on status of House Bill 2682 which modifies Section 545.356 of the Transportation Code, to amend Subsections (b-1) and (b-2) and add Subsection (d) to allow municipalities to declare a lower speed limit of not less than 25 miles per hour – Rick Pruitt, Police Chief**

Police Chief Rick Pruitt provided an update on the status of House Bill 2682. Chief Pruitt shared the process and acknowledged Speaker Joe Straus, Representative Carol Alvarado (Houston) and Senator Jeff Wentworth as well as their staff for their support. Chief Pruitt also acknowledged Darrin Hall, City of Houston; Shanna Igo, Texas Municipal League; City Manager Rebecca Waldman and City Attorney Mike Brennan for their individual efforts.

Chief Pruitt stated that House Bill 2682 will allow the City of Alamo Heights to lower speed limits on qualifying streets to not less than 25 mph without regard to existing parking restrictions. Chief Pruitt stated that City staff will work with the Infrastructure and Services Committee to determine which streets are recommended for lowering speed limits.

Councilwoman Souter commented on City Manager Rebecca Waldman's continuous efforts for passage of this bill. Councilwoman Souter shared the process of how legislation is passed. Councilwoman Souter stated that the average passage of a bill is 6 years. By April 10th, 7,000 bills were introduced and only 54 bills made it to the Governor's Office. Councilwoman Souter stated that without Ms. Waldman's efforts, the passage of the bill would not have occurred so quickly.

Mayor Pro Tem Kiel asked Chief Pruitt about the reporting requirements. Chief Pruitt responded that reporting requirements include posting on the city's website and submitting a 2-year comparison report to the Texas Department of Transportation which includes the number of citations and warning citations issued by peace officers and the number of vehicular accidents that are contributed to speed limit violations.

- b. Announcement of initiation of Toilet Replacement Program – Shawn P. Eddy, Assistant City Manager/Public Works Director**

Assistant City Manager/Public Works Director Shawn P. Eddy announced that the City of Alamo Heights partnered with Morrison Supply Company and Caroma, Inc. to initiate a toilet replacement program.

Mr. Eddy informed City Council that two vouchers will be inserted in the June utility bills. Vouchers are limited to Alamo Heights water customers for the purchase of water-efficient replacement toilets at a reduced cost in addition to qualifying for up to two \$50.00 water bill credits with original proof of purchase.

Margaret Houston, 140 Patterson Avenue, asked if business owners are eligible to use a voucher. Ms. Houston also asked if a residential multiplex may receive additional vouchers for multiple units.

Mr. Eddy stated that the toilet replacement program is for all Alamo Heights residential and commercial owners. Mr. Eddy also stated that citizens may contact the City to obtain additional vouchers for multiple housing units with a limit of two vouchers per occupied unit.

c. Presentation of Preliminary PCB Test Results by CPS Energy – Shawn P. Eddy, Assistant City Manager/Public Works Director

Assistant City Manager/Public Works Director Shawn P. Eddy introduced Ricardo Lopez, Director of Distribution Engineering, CPS Energy. Mr. Lopez presented a PowerPoint presentation that provided preliminary PCB test results. Mr. Lopez stated that a pilot project was implemented to identify specific transformers that most likely contained PCB contamination.

Mr. Lopez informed City Council that a total of 1,100 transformers are located in the City of Alamo Heights. Out of that total, 160 transformers were suspected of containing PCBs. The transformers were identified by photographs and through a serial number database. Councilwoman Harwell asked Mr. Lopez to clarify if photography of existing brown bushings decreased the number of transformers that needed to be tested. Mr. Lopez stated that brown bushings identified transformers that were manufactured at a time when PCBs were not banned. Mr. Lopez confirmed that photography and a serial number database identified possible PCB contamination in 87 transformers, which will be tested within a 12 month period. Seventy-three (73) transformers were determined to not contain PCB contamination based on the serial number database and existing test data, and would not need further study.

Mr. Lopez informed City Council that the replacement of transformers began in January 2009. To date, 33 transformers have been tested and removed. Eight transformers are scheduled for testing and replacement in June 2009.

Two graphs were presented in the PowerPoint presentation. One graph displayed the estimated PCB content of transformers in the pilot project and PCB parts per million. The other graph displayed similar information along with the updated test results. Mr. Lopez stated that there was a minimal number of transformers with serial numbers that did not correspond to the existing test database of similar transformers. Those transformers were tested since there was no existing data comparison.

Councilman Rosenthal noted two replaced transformers contained a high level amount of PCB parts per million. Councilman Rosenthal asked Mr. Lopez if the City should anticipate any additional transformers that are at a high level. Mr. Lopez stated that the removed transformers did fall within the expected range and he does not anticipate any other transformers containing high level amounts of PCB parts per million will be found.

Mayor Pro Tem Kiel reminded City Council that this testing was initiated because of a leak that occurred in Alamo Heights. The purpose of the pilot program was to predict a methodology for identifying contaminated transformers. This methodology would then be used in the future to provide information on similar transformers database.

Councilwoman Souter asked Mr. Lopez if there was a specific location within the city of where PCBs contamination was found. Mr. Lopez stated that contaminated PCB transformers were scattered throughout the city. Mr. Lopez said that he could provide the locations of the 33 transformers that contained PCBs.

Cost savings and testing were discussed. Councilman McCormick asked Mr. Lopez for an estimation of the cost to test and replace transformers. Mr. Lopez stated testing is a minimal cost; however, a cost savings of approximately \$160,000 would be realized if further testing and evaluation of the remaining transformers is discontinued at this time. Mr. Lopez asked City Council if CPS Energy should continue transformer testing or stop. Mr. Lopez also recommended that if testing is continued, to do the remaining balance by random, instead of clustering according to the serial number database.

May O'Neal, 434 Abiso Avenue, expressed concern about the leaking transformer that did not contain PCBs and stated age may not be the issue. Ms. O'Neal also reminded everyone that the oil leak destroyed the plants around the base of the pole.

Councilman McCormick asked if a transformer fails due to age. Mr. Lopez stated that over time, insulation degrades and the transformer is subject to a condition of overloading. Mr. Lopez stated that a transformer would last about 20 years when worked at its full capacity. A transformer is replaced due to rusting of the transformer or an oil leak. Councilwoman Harwell asked Mr. Lopez if replacing transformers only when there is an oil leak is standard practice. Mr. Lopez stated that there may be utility companies that do proactively replace transformers, but he was not aware of a company that does.

Mayor Pro Tem Kiel stated that the non-PCB transformers also need to be tested to provide additional comparison data. Councilwoman Harwell added that the information would be valuable to the industry and to the City of Alamo Heights.

City Council directed CPS Energy to finalize testing of 8 transformers, conduct random testing on an additional 12 transformers and report to City Council on the results.

Mr. Lopez stated that when he returns to Council with the results of the testing, he will provide a map to display transformer locations.

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Citizens To Be Heard Concerning Non-Agenda Items

Margaret Houston, 140 Patterson Avenue, provided positive comments to Mr. Eddy about street signs and the toilet replacement program. Ms. Houston shared that she could not locate today's city council agenda on the city's website. Ms. Houston inquired if there was an extension granted for the parking permits at 200 Patterson Avenue and how many extensions are allowed. Ms. Houston shared her disappointment on the failed restoration of the greenbelt located between Stratford Apartments and Central Market. Ms. Houston informed City Council that resident, Dick Stewart, passed away. Ms. Houston shared information on Mr. Stewart. Ms.

Houston suggested the City of Alamo Heights send a letter of condolences to the family and note his passing in the city's newsletter.

Patricia Evans, 140 Patterson Avenue, announced that the television guide will not arrive in Sundays *San Antonio Express-News* newspaper unless subscribers notify the *San Antonio Express-News* they wish to continue to receive the publication. She added that notification can be by phone at 250-2000 between 6:00 a.m. until 3:00 p.m. and online, www.mysa.com, keyword tvnow.

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Consent Items

Item # 4 Mayor Pro Tem Kiel read the following captions.

Consideration of a request by San Antonio Roadrunner Association to hold its 30th Annual 5K Walk/Run on July 18, 2009, from 6:00 a.m. until Noon

Item # 5 **Consideration of a request by SNIPSA Inc. to hold its 2nd Annual 5K Walk/Run on September 26, 2009, from 8:00 a.m. until 10:30 a.m.**

A motion for approval was made by Councilman McCormick. The motion was seconded by Councilwoman Souter and passed by unanimous vote.

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Items for Individual Consideration

Item # 6 Mayor Pro Tem Kiel read the following caption.

A request for a Demolition Permit for 426 Alamo Heights Boulevard by Jo Lynne Melton, owner, to demolish the existing single story detached two-car garage for the purpose of constructing a new single story two-car garage on a property zoned Single Family.

Community Development Director Ann McGlone made a PowerPoint presentation that included photos, an existing site plan and a proposed site plan. No variances were required for the proposed structure. Staff recommended approval.

A motion for approval was made by Councilwoman Souter. The motion was seconded by Councilman Rosenthal and passed by unanimous vote.

Item # 7 Mayor Pro Tem Kiel read the following caption.

Consideration of an Ordinance amending parking restrictions on the south side of Mary "D" Avenue between Broadway and Encino Avenue

Police Chief Rick Pruitt provided a PowerPoint presentation on the amended parking restrictions proposed on the south side of Mary "D" Avenue between Broadway and Encino Avenue. Chief Pruitt presented a map of proposed and existing parking ordinances that are enacted on Mary "D" Avenue. Staff recommended approval.

Chief Pruitt stated that changes on the north side were not recommended at this time, as staff wants to first observe the effects of 2 hour parking on the south side. Chief Pruitt stated that property owner, George Geis, has ordered two signs that will inform customers about the additional parking in his parking lot on the south side of Mary D Avenue. Signage will be located at the entrance of the parking lots on the north and south sides of the street.

Mayor Pro Tem Kiel asked Chief Pruitt if Mr. Geis has provided designated parking for the employees. Chief Pruitt responded that employees are parking in the designated parking area, adjacent to the bus stop, on the south end of the parking lot. Councilman McCormick asked if there was no signage on the south side, what the parking scenario would be. Chief Pruitt noted that there would be vehicles parked bumper to bumper along the curbside, all day long.

The following citizens spoke on this matter:

Lillian Fehrenbach, 131 Mary D Avenue, expressed her opinion that the City of Alamo Heights has a duty to protect the privacy and peace of citizens. Ms. Fehrenbach is requesting that the City provide this protection by only allowing "resident parking only". Ms. Fehrenbach expressed opposition to the proposed signage on Encino Avenue. She commented that the signs are not attractive and but if signage is posted she would like to see more attractive signage.

Tom Hall, 123 Mary D Avenue, expressed his opposition on the signage along Encino Avenue as well. Mr. Hall emphasized that everyone has property lines and his property is adjacent to the commercial property line. Residential parking should not have parking restrictions. Mr. Hall recalled a gentlemen that expressed his concern at the January 12th City Council meeting regarding commercial parking in front of a residential property on Inslee. Mr. Hall is seeking a similar action plan, advising the patrons of the businesses park elsewhere. Mr. Hall stated that the City's proposed ordinance discriminates against the residents of Mary D Avenue.

Margaret Houston, 140 Patterson, commented that there are available parking spaces in the vicinity. Ms. Houston shared that Patterson Avenue had parking issues and it was resolved by 2-hour parking restrictions. Ms. Houston suggested that the City, residents and Mr. Geis compromise and agree to place temporary signs along Mary D Avenue; such as the signs in Katherine Court to enforce a parking permit system.

Theodore R. Fehrenbach, 131 Mary D, stated that a reasonable agreement must be reached and that the current situation is not tolerable.

John Joseph, 206 Joliet, asked if valet parking was considered. Mr. Joseph asked Chief Pruitt if certificates of occupancy require a certain number of parking places per business. Mr. Joseph inquired if a variance was granted. Mr. Joseph commented that in his opinion the

business owner has ignored the issue. Mr. Joseph went on to share a similar parking situation in his neighborhood created by the opening of Starbucks. The street was so congested that a fire truck could not pass through the narrow street. Mr. Joseph is pleased with parking restrictions because it produced a positive outcome.

Mayor Pro Tem Kiel responded to Mr. Joseph about available parking for Mr. Geis' property, that in turn an evaluation must be done for all commercial properties owned by Mr. Geis. There is a possibility that parking requirements are met but at this location it is challenging. Councilwoman Souter responded to Mr. Joseph that valet parking is not welcomed in Texas.

Patricia Evans, 140 Patterson, suggested signage to state "free parking" to entice customers to park there and that the parking lot in the rear to be better maintained and made more attractive.

Linda Hall, 123 Mary D Avenue, commented about the difficulty of backing out of her driveway due to parked cars obstructing part of the entrance to the driveway and blocking the view. She does not have lunch with her children because of the parking situation. Ms. Hall shared that she has talked to Mr. Geis and Cappy Lawton on several occasions and is requesting the City step in. Ms. Hall suggested business valet parking and "residential parking only" on Mary D Avenue.

There was discussion among City Council regarding residential parking on the north and south side. In addition, there was discussion about appropriate signage, parking permits, curb paintings and enforcement. Councilwoman Harwell shared that she lives in a permitted parking neighborhood and the parking restrictions have worked well.

Councilwoman Harwell referenced to Mr. Hall's comment and recalled about residents on Inslee at Alta Avenue that expressed concern about employee parking and not commercial vehicle parking. Councilwoman Harwell stated that she forwarded those remarks to Chief Pruitt. Chief Pruitt responded that he was not aware of any coordinated police activity for the commercial vehicle parking situation.

Councilwoman Harwell expressed concern on the 2 historic homes that are adjacent to the commercial establishment. She also commented that this issue needs to be explored to address long-term solutions. Councilwoman Harwell acknowledged that Community Development is handling the interfacing residential and commercial issues and that the Comprehensive Plan discourages long-term parking.

Mayor Pro Tem Kiel referenced the Katherine Court situation and the solution was successful. "Permit Parking Only" parking restrictions resolved the parking problem. Mayor Pro Tem Kiel shared there are vehicles parked in front of his residence on Sundays and at times during the week for worship services at the Alamo Heights Presbyterian Church, but that was to be expected.

Councilwoman Souter asked if an ordinance may be enforced to ensure that Mr. Geis will provide signage. City Attorney Mike Brennan stated that the permit may be looked into, signage must be at a public property and a sign may not be enforced on private property. Councilwoman Souter stated there are different regulations for the different type of businesses, as referenced in the Code of Ordinances.

Councilwoman Souter referenced that the Comprehensive Plan is projecting shared parking to resolve parking issues. Councilwoman Souter expressed concern on the sign pollution and if this proposed action contradicts what is referenced in the Comprehensive Plan. Councilwoman Souter is also concerned if the city will be setting a precedent if this proposed action is approved and if the city be able to enforce it.

Community Development Director Ann McGlone stated that a larger solution will be coordinated through Council Committees and City Council. Currently, a temporary solution is needed until an overall parking strategy is in effect.

There was discussion among City Council regarding similar parking scenarios within the City of Alamo Heights and different parking solutions. Mayor Pro Tem Kiel asked about Chief Pruitt's observations on Mary D Avenue, north and south bound. Chief Pruitt responded that parking becomes an issue during peak lunch time periods. Evenings are impacted more when there is a gathering or a special event in the adjacent commercial area. Mayor Pro Tem Kiel and Councilwoman Souter shared that the problem needs to be resolved and not simply moving the problem. Councilman Rosenthal expressed that permitted parking should be a considered solution only on the north side of Mary D Avenue.

Councilman Rosenthal summarized that tonight's feedback from citizens have expressed that north bound residents are not asking for restricted parking on the south side. Chief Pruitt responded that he was aware of this issue because he had received complaints that commercial property owners were seeking on-street parking for their overflow parking. There are also H-E-B employees parked all day long on the south side of Mary D Avenue.

Councilwoman Souter and Councilman McCormick commented about parked vehicles in front of their residents. Councilwoman Souter stated that parking regulations and residents not wanting other residents to park in front of their home is not possible because the street belongs to the public.

Councilman McCormick recommended to postpone the decision and Councilman McCormick will speak with Mr. Geis if requested by the City staff. Councilman McCormick agreed with Mayor Pro Tem Kiel for the City to observe if there are any parking improvements with additional parking signage. Mayor Pro Tem Kiel stated that the additional parking signage needs to be posted. Mayor Pro Kiel monitored the parking situation for about a year and did not observe the parking problem. Mayor Pro Tem Kiel recommended a parking survey. Mayor Pro Tem Kiel suggested monitoring and encouraging residents to provide input.

A motion for approval was made by Councilman McCormick to postpone City Council consideration to conduct a parking survey and analysis of existing conditions. The motion was seconded by Councilman Rosenthal and passed by unanimous vote.

Item # 8 Mayor Pro Tem Kiel read the following caption.

Consideration of an Ordinance that amends Chapter 15 Sign Regulations of the Code of Ordinances, Subsection 15-33 (a) regarding banners across Broadway by limiting the use of banner-type temporary signs to events held in Alamo Heights or events sponsored by Alamo Heights organizations.

Community Development Director Ann McGlone reviewed the current ordinance and presented the proposed amendments to the ordinance. Ms. McGlone advised Council that this item was reviewed by the Neighborhood Character and Commercial Revitalization Committee and staff recommended approval.

Councilwoman Harwell inquired about the cost of a banner and what the average cost of a banner is for municipalities in the surrounding area. Ms. McGlone stated that it is \$125.00 for 30 days and the City of Alamo Heights is average, not the cheapest nor the most expensive.

Councilman Rosenthal suggested the City display a welcome to Alamo Heights banner during the time period that no banner reservations have been made.

Councilwoman Harwell expressed concern that perhaps the city may be limiting the advertisement of community events in neighboring communities (Terrell Hills, Olmos Park, Lincoln Heights), events in the Olmos Basin, and school related events. Ms. McGlone stated that the school is allowed to utilize banners but this proposed ordinance is community events for the City of Alamo Heights.

City Council agreed that this ordinance allows the organizations to place a banner across Broadway Street rather than organizations in general. This ordinance provides increased opportunity for advertising to a local organization by a community event because the majority of the time a regional organization had already reserved the time period.

John Joseph, 206 Joliet, requested to amend this proposed action to include promoting non-profit Alamo Heights organizations or to promote Alamo Heights organizations.

Councilwoman Souter responded that the banner needs to be cautious with political advertisement and not allow the banner to become a billboard. Councilwoman Souter stated that Mr. Joseph's request may be considered at a future Council Committee to amend the ordinance. There was discussion about the 501 (c) 4 associations. Councilman Rosenthal agreed that additional information on 501 (c) 4 associations should be revisited at a future Neighborhood Character and Commercial Revitalization meeting.

City Attorney Mike Brennan stated that it is the director's decision to execute a judgment call if the banner is event based. Mr. Brennan said this is to protect the city and promote events.

Councilman McCormick asked to look into the renewal process for banners. Ms. McGlone responded that banners may not be renewed and will be part of enforcement.

A motion for approval was made by Councilwoman Souter. The motion was seconded by Councilman Rosenthal and passed by unanimous vote.

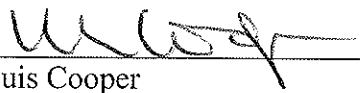
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There being no further business, the Mayor called for a motion to adjourn the regular City Council Meeting. Councilwoman Souter made a motion to adjourn, seconded by Councilman McCormick and the motion was unanimously approved. Mayor Pro Tem Kiel adjourned the meeting at 8:50 p.m.


Jennifer Reyna, TRMC
City Secretary


Louis Cooper
Mayor